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MADSON METCALF

INTELLECTUAL PROPERTY LAW

Evan R. Witt
Shareholder

Registered Patent Attorneys
www.mmlaw.com

October 4, 2004

Attn: Refunds
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application
Serial No.: 10/757,773
Our File No.: 3210.2.4

Dear Sir/Madam:

We are in receipt of our Deposit Account Statement dated August 31, 2004 with regard to Deposit Account No. 13-0763. The Statement indicates that a charge in the amount of $43 was made to the account for an independent claim in excess of three in connection with the above-referenced patent application. As shown by the enclosed copy of the Fee Sheet and credit card payment form which were filed on July 29, 2004 in connection with this application, all 4 independent claim fees were paid for in this matter. Claim 10 in the above-referenced application appears to be an independent claim at first glance when in fact it is dependent on Claim 6. Accordingly, please refund the $43 to our deposit account.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely yours,

MADSON & METCALF

Melissa S. McBride
Legal Assistant to Evan R. Witt

msm
Enclosures
S:\ALLCLIENTS\3210 Smalley, Robert\3210.2.4\LTCReqRefund.doc

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/757,773	01/15/2004	Robert B. Smalley JR.	3210.2.4

CONFIRMATION NO. 5474

21552
MADSON & METCALF
GATEWAY TOWER WEST
SUITE 900
15 WEST SOUTH TEMPLE
SALT LAKE CITY, UT 84101

OIPE JC07824 AUG 03 2004 PATENT & TRADEMARK OFFICE

FORMALITIES LETTER

OC000000013078362

11/16/2004 SDIRETA1 00000005 10757773

01 FC:2201 43.00 OP

Date Mailed: 06/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

8/04/2004 EFLORES 00000074 10757773

1 FC:2001 385.00 OP
2 FC:2051 65.00 OP
3 FC:2201 43.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit $385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
 A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of $86 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$536** for a Small Entity

- **$385** Statutory basic filing fee.
- **$65** Late oath or declaration Surcharge.

08/04/2004 EFLORES 00000074 10757773

01 FC:2001 385.00 OP

~~02 FC:2051 65.00 OP~~

Adjustment date: 11/16/2004 SDIRETA1 10757773
08/25/2004 MNGUYEN 00000008 130763
01 FC:2201 43.00 CR

Repln. Ref: 11/16/2004 SDIRETA1 0009331800
DA#:130763 Name/Number:10757773
FC: 9204 $62.00 CR

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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

2004 OCT -7 PM 12:50

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To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

MADSON & METCALF
ATT: L CRAIG METCALF
15 W. SOUTH TEMPLE
SUITE 900
SALT LAKE CITY UT 84101

FINA

Account No.
130763
Date
8-31-04
Page
1

PLEASE SEND REMITTANCES TO:
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Chicago, IL 60673

DATE POSTED MO.	DAY	YR.	CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
8	17	04	1	10841342	.2179 14324	1051	130.00	1542.00
8	25	04	11	10757773	3210.2.4	2201	43.00	1499.00

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT	OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
	1672.00	173.00	0.00	1499.00

MS020A (2/2003)

**** O.D. INDICATES OVERDRAWN